

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff/party

1:07-cr-94

v.

DANIEL DOYLE BENHAM

Defendants/party

MOTION FOR BILL OF PARTICULARS

Daniel Doyle Benham ("Defendants"), moves the United States District Court for the Western District of Michigan, Southern Division, within its Article III Judicial Power of the United States, pursuant to Federal Rules of Criminal Procedure 7(f) for an order directing Attorney for the Plaintiff/party to provide certain information regarding the "Grand Jury charges" in its indictment dated April 15, 2008.

DISCUSSION OF THE CLAIMS BY THE GRAND JURY CAUSING CONFUSION

The Grand Jury charges are served upon Defendants in a document called an "indictment." In this "indictment" the Grand Jury charges were presented to this United States District Court for the Western District of Michigan. The Grand Jury charges allege "UNITED STATES OF AMERICA v. DANIEL DOYLE BENHAM." In Count One, the Grand Jury charges "From on or about April 17, 2001, in the Southern Division of the Western District of Michigan,.... did willfully..." Counts Two through Five allege the same crime scene language except that the dates when the crimes were completed for Count Two is April 15, 2002, for Count Three, April 15, 2003, for Count Four, April

15, 2004, and for Count Five, November 19, 2003. Each Grand Jury charge claims Defendant committed the alleged crimes against the laws of the United States in United States Judicial District for the “Western District of Michigan.”

## ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES

Article III reads:

### Section 1.

(1) The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

### Section 2.

(1) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

(2) In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

(3) The trial of all crimes, except in cases of impeachment, shall be by jury; **and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.**

### Section 3.

(1) Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the

punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

#### PARTICULARS REQUESTED

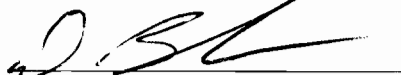
In order for Defendant to understand the nature and the cause in each of the Grand Jury charges, related to the location of the crimes alleged in Counts One through Five, and in effort to further aid the United States District Court Judge Gordon J. Quist to determine properly any Power his office has under Article III, as his supervisory role requires, and in providing specific explanation of this same Article III power to sit in Judgment of the Grand Jury charges against Defendant, to Defendant, the following particulars need identified specifically and propounded:

1. Please identify the parties to this case, as the names in the Grand Jury indictment do not reflect the standing of the parties, with complete reference as to how they are authorized to be a “party” in this criminal case or controversy?
2. Please identify the meaning of the letters “cr” in the case number 1:07-CR-94?
3. Please identify the person or persons who authored or drafted the Grand Jury Indictment dated April 15, 2008, prior to it being presented to the entire Grand Jury for consideration or returned in the United States District Court for the Western District of Michigan?
4. Please identify how the Grand Jury determined the crimes alleged in Counts One through Five were committed within the United States Judicial District for the Western District of Michigan and not within the State of Michigan?
5. Please identify how the Grand Jury was instructed on the difference between the United States Judicial District of Michigan and the State of Michigan in relation to the place the alleged crimes were committed?

6. Please identify the name of the person or persons instructing the Grand Jury on the difference between United States Judicial District of Michigan and the State of Michigan and the date this instruction took place?
7. Please identify how Muskegon County, alleged in each Count One through Five by the Grand Jury to be the place the alleged crimes were committed and within the State of Michigan (January 26, 1837), also concurrently within the United States Judicial District of Michigan (18 U.S.C. § 102)?
8. Please identify the authority in the Constitution of the United States for your answer to question # 7 and any Supreme Court decisions in which you in good faith relied for such concurrent Judicial theory?
9. Please identify any agreement to which the United States Attorney Charles R. Gross or Assistant U.S. Attorney Donald A. Davis rely upon, between the United States and the State of Michigan, placing the United States Judicial District Court for the Western District of Michigan with exclusive Judicial Power under Article III of the Constitution of the United States, to render any judgment involving the Grand Jury charges dated April 15, 2008, allegedly committed within Muskegon County, in the State of Michigan?
10. Please identify the exact locus delicti of the alleged crimes in Counts One through Five in relation to the Constitution of the United States and the 10<sup>th</sup> Amendment?
11. Please identify the exact words in Article III of the Constitution of the United States, United States Attorney Charles R. Gross or Assistant U.S. Attorney Donald A. Davis rely upon in placing the Grand Jury charges within the Judicial Power of the United States for the Western District of Michigan endorsed with their signatures?

12. Please identify the exact words in Article II of the Constitution of the United States, that United States Attorney Charles R. Gross or Assistant U.S. Attorney Donald A. Davis rely upon allowing the U.S. Attorney for the Western District of Michigan to represent the Grand Jury charges against Defendant in the United States District Court for the Western District of Michigan?
13. Please identify the difference between the “UNITED STATES OF AMERICA” as appearing in “UNITED STATES OF AMERICA v. DANIEL DOYLE BENHAM” and the phrase UNITED STATES as this terms in the heading of the indictment “IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION”?
14. Please explain the theory of the Grand Jury indictment dated April 15, 2008, determined by the Grand Jury to have found probable cause alleging a crime occurring on April 17, 2001, in Count One, and how that alleged crime is crime committed within 3 years from April 15, 2008, under 26 U.S.C. § 6531?
15. Please explain the theory of the Grand Jury indictment dated April 15, 2008, determined by the Grand Jury to have found probable cause alleging a crime occurring on April 15, 2002, in Count Two, and how that alleged crime is crime committed within 3 years from April 15, 2008, under 26 U.S.C. § 6531?
16. Please explain the theory of the Grand Jury indictment dated April 15, 2008, determined by the Grand Jury to have found probable cause alleging a crime occurring on April 15, 2003, in Count Three, and how that alleged crime is crime committed within 3 years from April 15, 2008, under 26 U.S.C. § 6531?


17. Please explain the theory of the Grand Jury indictment dated April 15, 2008, determined by the Grand Jury to have found probable cause alleging a crime occurring on April 15, 2004, in Count Two, and how that alleged crime is crime committed within 3 years from April 15, 2008, under 26 U.S.C. § 6531?
18. Please explain how your answer to question # 14, #15, # 16 and # 17, change if the normal 3 year time period under section 6531 were extended 6 years by any plead exception listed therein?
19. Counts One through Four allege that a Form "1040" was required to be filed by Defendant on the dates therein alleged. Since certain returns required are not extendable under section 6531, please explain how the Form 1040 is not a "return required under authority of part III, of subchapter A of chapter 61?"
20. In Count Five, the Grand Jury alleges a "scheme or artifice to defraud" by Defendant in direct connection with a certain bankruptcy case # 03-49029. The Grand Jury alleges "schedules" were used in the alleged commission of this "crime." How does the purported false statements on these schedules relate to the "scheme"?
21. What was the scheme in Count 5?
22. How then was the scheme identified in question # 21, become then a "scheme to defraud"?

  
Daniel Doyle Benham  
661 N Lancaster Dr  
Muskegon, Michigan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion for Bill of Particulars was mailed on May 13, 2008, by first class mail to:

Donald A. Davis  
P.O Box 208  
Grand Rapids, MI 49501-0208.

  
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Serving person